

**LIZAMA\_D.mtnfinord**

LEONARDO M. RAPADAS

United States Attorney

MARIVIC P. DAVID

Assistant U.S. Attorney

Sirena Plaza, Suite 500

108 Hernan Cortez Avenue

Hagåtña, Guam 96910-5059

TEL: (671) 472-7332

FAX: (671) 472-7215

Attorney's for United States of America

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DIONICIO REYES LIZAMA, JR.

Defendant,

LUEN FUNG ENTERPRISE,

Garnishee.

CRIMINAL CASE NO. 97-00023

**MOTION FOR ENTRY OF FINAL  
ORDER IN CONTINUING  
GARNISHMENT**

Plaintiff, United States of America, respectfully requests the Court to enter the Final Order in Continuing Garnishment in this matter pursuant to 28 U.S.C. § 3205. In support of this motion, the United States respectfully states to the Court the following:

1. An Application for an Amended Writ of Continuing Garnishment was filed by the United States of America, and an Amended Writ of Continuing Garnishment directed to Garnishee was duly issued and served upon the Garnishee.

2. Pursuant to the Amended Writ of Continuing Garnishment, the Garnishee filed an Answer stating that at the time of the service of the Amended Writ it had in its possession or under its control personal property belonging to and due defendant, in the form of earnings.

1           3.       The defendant was served with a copy of the Amended Writ of Continuing  
2 Garnishment and notified of his right to a hearing. The defendant requested a hearing to  
3 determine exempt property which was held on October 26, 2006.

4           4.       28 U.S.C. § 3205(c)(7) states:

5                   After the garnishee files an answer and if no hearing is requested  
6                   within the required time period, the Court shall promptly enter an  
7                   order directing the garnishee as to the disposition of the judgment  
8                   debtor's non-exempt interest in such property. If a hearing is  
9                   timely requested, the order shall be entered within 5 days after the  
10                  hearing, or as soon after as is practicable.

11           5.       As set forth in the Amended Writ of Continuing Garnishment, the amount of the  
12 debt due totals \$6,397.59, as of September 11, 2006.

13           WHEREFORE, all conditions to the issuance of a Final Order in Continuing  
14 Garnishment against the non-exempt earnings of the defendant are fully satisfied. The United  
15 States respectfully requests that a Final Order in Continuing Garnishment be issued.

16           DATED this 26<sup>th</sup> day of October, 2006.

17                                   LEONARDO M. RAPADAS  
18                                   United States Attorney  
19                                   Districts of Guam and the NMI

20                                   By: /s/ Marivic P. David  
21                                   MARIVIC P. DAVID  
22                                   Assistant U.S. Attorney  
23                                   marivic.david@usdoj.gov  
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